

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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AMERICAN ACADEMY OF PEDIATRICS, )  
MASSACHUSETTS CHAPTER OF AMERICAN )  
ACADEMY OF PEDIATRICS, INC., )  
AMERICAN CANCER SOCIETY, INC., )  
AMERICAN CANCER SOCIETY ACTION )  
NETWORK, INC., AMERICAN HEART )  
ASSOCIATION, INC., AMERICAN LUNG )  
ASSOCIATION, CAMPAIGN FOR TOBACCO- )  
FREE KIDS, TRUTH INITIATIVE FOUNDATION) Civil Action No. 16-cv-11985 (IT)  
D/B/A TRUTH INITIATIVE, DR. TED KREMER,)  
DR. JONATHAN WINICKOFF AND )  
DR. LYNDA YOUNG )  
Plaintiffs, )  
v. )  
UNITED STATES FOOD AND DRUG )  
ADMINISTRATION )  
Defendant. )  
\_\_\_\_\_  
)

**NOTICE OF APPEAL**

Notice is hereby given that the defendant, the United States Food and Drug Administration, hereby appeals to the United States Court of Appeals for the First Circuit from the March 5, 2019, order granting injunctive relief (Dkt. No. 56), as amended by the March 21, 2019, order granting partial reconsideration under Fed. R. Civ. P. 59(e) (Dkt. No. 59); and from all prior orders that merged with the March 5, 2019, order granting injunctive relief.

Dated: May 20, 2019

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

GUSTAV W. EYLER, Director  
ANDREW C. CLARK, Assistant Director  
Consumer Protection Branch

/s/ Daniel K. Crane-Hirsch

DANIEL K. CRANE-HIRSCH, BBO #643302  
Trial Attorney  
Consumer Protection Branch  
U.S. Department of Justice, Civil Division  
P.O. Box 386  
Washington, D.C. 20044-0386  
Telephone: 202-616-8242  
Fax: 202-514-8742  
Daniel.Crane-Hirsch@usdoj.gov

Of Counsel:

ROBERT P. CHARROW  
General Counsel  
U.S. Department of Health and Human Services

STACY CLINE AMIN  
Chief Counsel  
Food and Drug Administration  
Deputy General Counsel  
U.S. Department of Health and Human Services

PERHAM GORJI  
Deputy Chief Counsel, Litigation

SUSAN WILLIAMS  
Associate Chief Counsel  
Food and Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, MD 20993-0002

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as nonregistered participants on today's date.

/s/ Daniel K. Crane-Hirsch  
May 20, 2019